

# **DISCLAIMER**

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## **APPLICATION OF**

**TENASKA VIRGINIA PARTNERS, L.P.**

**CASE NO. PUE010039**

**For approval of a certificate of public convenience and necessity pursuant to Virginia Code § 56-265.2, an exemption from Chapter 10 of Title 56, and interim approval to make financial commitments and undertake preliminary construction work**

## **HEARING EXAMINER'S RULING**

**January 24, 2002**

On January 16, 2002, the Commission entered an Order remanding the above-captioned case to its Hearing Examiner for further proceedings as set forth in the Order. The Commission identified the following areas where additional evidence is required to adequately develop the record herein:

- (1) Rates – whether the proposed Facility will have an impact on the availability of service or rates charged by regulated public utilities other than electric companies, such as gas, water, or sewer companies;
- (2) Environment –
  - (a) what is the current level of air quality in Fluvanna County and surrounding counties; and
  - (b) what is the cumulative impact of the proposed Facility and other existing and proposed facilities on the air quality in Fluvanna County and surrounding counties;
- (3) Economic Development – if there is deterioration in air quality in Fluvanna County and surrounding counties, will there be a corresponding negative impact upon economic development;
- (4) The Public Interest –
  - (a) whether the proposed Facility's use of ultra low-sulfur fuel oil as a back-up or alternative fuel for a period of not more than 720 hours during the months of October through March, and the resulting fuel oil delivery truck traffic and the Facility's emissions of nitrogen oxides ("NO<sub>x</sub>"), sulfur dioxide ("SO<sub>2</sub>"), and sulfuric acid mist, affect the public interest;
  - (b) whether conditions are needed with respect to back-up or alternative sources of water to be used at times of drought and low-flow in the James River, particularly, regarding a reservoir to be constructed in Buckingham

- County and the corresponding impact of that reservoir on the environment;  
and  
(c) whether the emergency management plan is adequate and Fluvanna  
County's emergency response personnel will be able to respond  
appropriately to an actual emergency at the proposed Facility if needed.

The parties have proposed a procedural schedule and hearing date to address the remanded issues, which I find to be reasonable. Accordingly,

**IT IS DIRECTED THAT:**

(1) Tenaska Virginia, L.P. ("Tenaska") shall, on or before February 19, 2002, file its testimony and exhibits on the remanded issues with the Clerk of the Commission and provide a copy thereof to counsel for the Commission's Staff and Columbia Gas of Virginia, Inc. ("Columbia Gas");

(2) The Commission's Staff and Columbia Gas shall, on or before March 6, 2002, file their testimony and exhibits on the remanded issues with the Clerk of the Commission and provide a copy thereof to counsel for Tenaska;

(3) Tenaska shall, on or before March 11, 2002, file its rebuttal testimony and exhibits on the remanded issues with the Clerk of the Commission and provide a copy thereof to counsel for the Commission's Staff and Columbia Gas;

(4) A hearing is hereby scheduled for 10:00 a.m., Wednesday, March 13, 2002, in the Commission's Second Floor Courtroom, Tyler Building, 1300 East Main Street, Richmond, Virginia, to receive evidence on the remanded issues;

(5) Any person desiring to testify as a public witness on the remanded issues should appear at 9:45 a.m. on March 13, 2002, and complete a Public Witness Appearance Form and return the same to the Commission's Bailiff; and

(6) Any person desiring to file written comments on the remanded issues shall, on or before March 8, 2002, file such comments with Joel H. Peck, Clerk of the Commission, P.O. Box 2118, Richmond, VA 23218-2118. In order to be processed timely, the comments should reference Case No. PUE010039 and should be signed.

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Michael D. Thomas  
Hearing Examiner